

From: James R. Bergman
To: Microsoft ATR
Date: 1/28/02 11:54pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Dear Ms. Hesse:

This is to advise you that I strongly believe that the terms of the proposed settlement - which have met or gone beyond the findings of the Court of Appeals ruling - are reasonable and fair to all parties involved. This settlement represents the best opportunity for Microsoft and the industry to move forward.

I say this with a 30-year successful business career behind me and, hopefully, even greater success ahead. But should this settlement not be finalized and a harsher penalty imposed on Microsoft, I know, not believe, that it will affect my business and most all general, old-economy businesses in a severely negative and expensive way. Similarly, the so-called new economy industries will not benefit though those that are envious of Microsoft's success and those who cannot keep up with Microsoft's efficient execution of its business plan may feel differently.

I strongly request that you support this settlement to the greatest degree possible and do all things available to you to assure its being finalized. As both a business owner and home user who has and does use many software programs as well as spends quite a few hours a week on the Internet, I am grateful for all the many wonderful things that Microsoft has accomplished and have always made available to me at reasonable and fair prices that have aided me in my business and family life.

Please feel free to contact me if you wish. Should you be speaking to Joel Klein, please say "Hi" from an old fraternity brother (we were in Alpha Epsilon Pi, Class of 1967, Columbia College of Columbia University, NYC).

Sincerely,

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